

Article 7: Elections, Campaign Finance and Lobbying

Division 11: Referendum

(“Referendum” renumbered from Division 26 on 7-26-1999 by O-18664 N.S.)

§27.1101 Subjects of Referendum

Any legislative act, except acts making the annual tax levy, making the annual appropriations, calling or relating to elections, or relating to emergency measures, shall be subject to the referendum process.

(“Subjects of Referendum” renumbered from Sec. 27.2601 and amended 7-26-1999 by O-18664 N.S.)

§27.1102 Referendary Petition Circulators

A referendary *petition* may be circulated for signatures by a paid signature gatherer or by a volunteer. A circulator must be a U.S. citizen and at least 18 years old.

(Amended 7-18-2000 by O-18826 N.S.)

§27.1103 Time to Begin Circulating Referendary Petition

A referendary *petition* may not be not be circulated for signatures until the first calendar day following the exercise of the final legislative act by the City Council.

(“Time to Begin Circulating Referendary Petition” renumbered from Sec. 27.2603 and amended 7-26-1999 by O-18664 N.S.)

§27.1106 Contents of Referendary Petition

- (a) Referendary *petition* forms shall be furnished by the *proponent*.
- (b) The referendary *petition* shall consist of sheets of white paper uniform in size with dimensions no smaller than 8-1/2 by 11 inches and no greater than 8-1/2 by 14 inches.
- (c) The referendary *petition* may consist of any number of sections. Each section shall contain items specified in Section 27.1106(c)(1) through (4) in the order specified:
 - (1) One or more sheets setting forth the questioned legislative act in full, prepared in accordance with Section 27.1107.

- (2) A statement of reasons for the *petition*, prepared in accordance with Section 27.1108.
 - (3) One or more *voter* signature sheets, prepared in accordance with Section 27.1109. Any number of *voter* signature sheets may be incorporated into a *petition* section.
 - (4) A *circulator's* affidavit of authenticity, prepared and signed in accordance with Section 27.1112.
- (d) The sheets comprising each referendary *petition* section shall be fastened together securely and remain so during circulation for signatures and submittal to the City Clerk.
- (“Contents of Referendary Petition” renumbered from Sec. 27.2604 and amended 7-26-1999 by O-18664 N.S.)*

§27.1107 Form of Referendary Petition

Any referendary *petition* shall be in substantially the following form, and printed in clear, readable type no smaller than 10-point in size:

REFERENDARY PETITION

REFERENDUM AGAINST A LEGISLATIVE ACT ADOPTED BY
THE CITY COUNCIL OF THE CITY OF SAN DIEGO.
TO THE HONORABLE CITY COUNCIL OF THE CITY OF SAN DIEGO:

We, the undersigned registered voters of The City of San Diego, California, hereby present this petition to the City Council of The City of San Diego, California, and ask that the City Council repeal, or submit to the registered voters of the City for their adoption or rejection that legislative act adopted by the City Council, on the _____ day of _____, of which the following is a full and correct copy:

(NOTE: Here insert full title and text of the legislative act to be referred, the statement of reasons prepared in accordance with Section 27.1108; the *voter* signature sheets prepared in accordance with Section 27.1109; and the *circulator's* affidavit of authenticity prepared in accordance with Section 27.1112.)

(“Form of Referendary Petition” renumbered from Sec. 27.2605 and amended 7-26-1999 by O-18664 N.S.)

§27.1108 Form of Statement of Reasons for Referendary Petition

The statement of reasons shall set forth the reasons for the referendary *petition*. It shall contain no more than 300 words. The statement of reasons shall be printed in clear, readable type no smaller than 10-point in size. It shall be signed by the individual proposing the *petition* or, if the *proponent* is an organization, by two officers of the organization. The individual or officers signing the statement shall also affix the date of signing, and a residence, business or mailing address at which the *proponent* may be reached.

(“Form of Statement of Reasons for Referendary Petition” renumbered from Sec. 27.2606 and amended 7-26-1999 by O-18664 N.S.)

§27.1109 Form of Voter Signature Sheets for Referendary Petition

- (a) On the right hand side of each *voter* signature sheet, a space at least one inch wide shall be left blank for the City *Clerk’s* use in verifying the validity or invalidity of the signatures. *Voter* signature sheets shall be arranged and lined to provide space for each *voter’s* signature, each *voter’s* printed name, place of each *voter’s* residence, and date of each *voter’s* signature.
- (b) Above the signature portion of each *voter* signature sheet, the following language shall appear in clear, readable type no smaller than 12-point in size:

“NOTICE TO THE PUBLIC
THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER
OR BY A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.”

- (c) The signature portion of the sheet shall be in substantially the following form:

NAME	RESIDENCE	DATE	(Clerk’s Use Only)
1. SIGN _____ PRINT			
2. SIGN _____ PRINT			

NAME	RESIDENCE	DATE	(Clerk's Use Only)
3. SIGN _____ PRINT			

(“Form of Voter Signature Sheets for Referendary Petition” renumbered from Sec. 27.2607 and amended 7-26-1999 by O-18664 N.S.)

§27.1110 Signing Voter’s Information for Referendary Petition

Signatures on the *voter* signature sheets shall be executed by *voters* in their own handwriting and each signer shall also affix his or her printed name, date of his or her signature, and place of his or her residence, including street and house number, or other designation from which the location of the place of residence may be readily ascertained. Post Office box numbers, business addresses, or mailing addresses are not permitted and, if used, shall make that *voter’s* signature invalid.

(“Signing Voter’s Information for Referendary Petition” renumbered from Sec. 27.2608 and amended 7-26-1999 by O-18664 N.S.)

§27.1111 Circulator’s Affidavit of Authenticity for Referendary Petition

Each referendary *petition* section shall have attached to it an affidavit of authenticity of the *circulator*, signed by the *circulator* under California perjury laws.

(“Circulator’s Affidavit of Authenticity for Referendary Petition” added 7-26-1999 by O-18664 N.S.)

§27.1112 Form of Circulator’s Affidavit of Authenticity for Referendary Petition

The *circulator’s* affidavit of authenticity shall have the following form:

AFFIDAVIT OF AUTHENTICITY

COUNTY OF SAN DIEGO) } ss.
STATE OF CALIFORNIA)

Under penalty of perjury I, (printed name of *circulator*), declare: That all of the signatures on the voter signature sheets of this petition section were made in my presence and were observed by me; that all of the sheets constituting this petition section were fastened together at the time such signatures were made; that, to the best

of my knowledge and belief, such signatures are the genuine signatures of the individuals who signed the petition; and that the signatures were obtained between:

_____	and	_____
(Beginning date of circulation)		(Final date of circulation)
_____		_____
(Circulator's Printed Name)		(Circulator's Signature)
_____		_____
(Circulator's Residence)		(Date Signed by Circulator)

(Renumbered from Sec. 27.2609, retitled to "Form of Circulator's Affidavit of Authenticity for Referendary Petition" and amended 7-26-1999 by O-18664 N.S.)

§27.1115 Signatures on Referendary Petition

Only *voters* may sign the *voter* signature sheets of a referendary *petition*. Signatures of individuals who are not *voters* shall be invalid.

("Signatures on Referendary Petition" renumbered from Sec. 27.2610 and amended 7-26-1999 by O-18664 N.S.)

§27.1116 Withdrawal of Signature from Referendary Petition

Any individual who has signed a referendary *petition's voter* signature sheet may withdraw his or her signature by filing a written request bearing his or her name, address and signature in the Office of the City *Clerk* prior to the deadline for submitting that *petition* under Section 27.1117.

("Withdrawal of Signature from Referendary Petition" renumbered from Sec. 27.2611 and amended 7-26-1999 by O-18664 N.S.)

§27.1117 Time for Submitting Referendary Petition to Clerk

A referendary *petition* may be submitted to the Office of the City *Clerk* any time within thirty calendar days after the exercise of the final legislative act by the City *Council*.

(Renumbered from Sec. 27.2612, retitled to "Time for Submitting Referendary Petition to Clerk" and amended 7-26-1999 by O-18664 N.S.)

§27.1118 Submitting Referendary Petition to Clerk

- (a) The referendary *petition* shall be submitted to the Office of the City *Clerk* by the *proponent* of the referendum or by any individual authorized in writing by the *proponent*. All sections of the *petition* shall be submitted at one time.
- (b) The statement of reasons prepared in accordance with Section 27.1108 shall be submitted to the Office of the City *Clerk* at the same time as the referendary *petition* is submitted pursuant to this section. The statement of reasons shall include the original signature of the individual initiating the proposed legislative act, or, if the *proponent* is an organization, the original signatures of two officers of the organization.
- (c) Six copies of the referendary *petition* with unsigned *voter* signature sheets shall be submitted to the Office of the City *Clerk* at the same time as the *petition* is submitted pursuant to this section.

(Renumbered from Sec. 27.2613, retitled to "Submitting Referendary Petition to Clerk" and amended 7-26-1999 by O-18664 N.S.)

§27.1119 Acceptance or Rejection of Referendary Petition as Filed

- (a) The City *Clerk* shall not accept a referendary *petition* that is not in substantial compliance with this division.
- (b) When the referendary *petition* is submitted, the City *Clerk* shall determine that calendar day the number of signatures affixed prima facie to the *petition*.
 - (1) If the City *Clerk* determines that the number of signatures, prima facie, equals or is greater than the minimum number required, the City *Clerk* shall accept the *petition* as filed.
 - (2) If the City *Clerk* determines that the number of signatures, prima facie, is fewer than the minimum number required, the City *Clerk* shall reject the *petition* and treat it as not filed.
- (c) Any referendary *petition* sections not accepted as filed in accordance with Section 27.1119 shall be void for all purposes.

("Acceptance or Rejection of Referendary Petition as Filed" added 7-26-1999 by O-18664 N.S.)

§27.1120 Verification of Referendary Petition Signatures; Time; Random Sampling

- (a) The City *Clerk* shall be allowed a period of thirty calendar days after a referendary *petition* has been accepted as filed to verify the validity or invalidity of signatures.
- (b) The random sampling method set forth in the California Elections Code may be used for verification of signatures.
- (c) To determine the sufficiency or insufficiency of a referendary *petition*, the City *Clerk* shall only count valid signatures.
- (d) If the *circulator's* affidavit of authenticity for any given referendary *petition* section has not been signed by the *circulator*, the signatures on that *petition* section shall be invalid.

(Renumbered from Sec. 27.2614, retitled to "Verification of Referendary Petition Signatures; Time; Random Sampling" and amended 7-26-1999 by O-18664 N.S.)

§27.1123 Challenges to Verification of Referendary Petition Signatures

- (a) By submitting a written request to the City *Clerk*, any *voter* of The City of San Diego may challenge the determination of the sufficiency or insufficiency of a referendary *petition* for which signatures were verified by the random sampling method provided for in Section 27.1120(b).
- (b) Any *voter* making a challenge under Section 27.1123(a) must post with the City *Clerk* such amount of money as is required to fully pay the cost of further verification.
- (c) Any challenge and posting of the required payment shall be made no later than the close of business on the fourth calendar day following the City *Clerk's* certification of the sufficiency or insufficiency of the referendary *petition* determined in accordance with Section 27.1124.
- (d) If the challenge is received and the required payment is made within the time specified, the City *Clerk* shall proceed to verify the validity or invalidity of each signature on the referendary *petition*.

(Renumbered from Sec. 27.2617, retitled to "Challenges to Verification of Referendary Petition Signatures" and amended 7-26-1999 by O-18664 N.S.)

§27.1124 Clerk’s Certification of Sufficiency or Insufficiency of Referendary Petition

If the City *Clerk* finds a referendary *petition* to contain the requisite number of valid signatures and to be substantial compliance with this division, he or she shall certify that the *petition* is sufficient, and qualifies for submittal to the *voters*. If the City *Clerk* finds a referendary *petition* to contain fewer than the requisite number of valid signatures or not to be in substantial compliance with this division, he or she shall certify that the *petition* is insufficient, and does not qualify for submittal to the *voters*. (*“Clerk’s Certification of Sufficiency or Insufficiency of Referendary Petition” added 7-26-1999 by O-18664 N.S.*)

§27.1125 Notice of Sufficiency of Referendary Petition

When a referendary *petition* has been certified as sufficient, the City *Clerk* shall send a notice of sufficiency to the *proponent* of the referendum. The City *Clerk* shall then present the *petition*, with the certification attached, to the City *Council* at the next regular City *Council* meeting at which the matter can be placed on the docket. (*“Notice of Sufficiency of Referendary Petition” renumbered from Sec. 27.2615 and amended 7-26-1999 by O-18664 N.S.*)

§27.1126 Notice of Insufficiency of Referendary Petition

When a referendary *petition* has been certified as insufficient, the City *Clerk* shall send a notice of insufficiency to the *proponent* of the referendum. (*“Notice of Insufficiency of Referendary Petition” renumbered from Sec. 27.2616 and amended 7-26-1999 by O-18664 N.S.*)

§27.1129 Number of Referendary Petition Signatures Required for Presentation to City Council

A referendary *petition* may not be presented to the City *Council* unless it contains the signatures of at least five percent of the *voters*. (*Renumbered from Sec. 27.2602, retitled to “Number of Referendary Petition Signatures Required for Presentation to City Council” and amended 7-26-1999 by O-18664 N.S.*)

§27.1130 Suspension of Referended Legislative Act

- (a) If a referendary *petition* has been accepted as filed, the referended legislative act shall be suspended until the date on which the City *Clerk* issues a certification of the *petition*’s insufficiency; or, if the *petition* is found to be

sufficient, the legislative act shall be suspended until it is adopted by the *voters* and becomes effective in accordance with Sections 27.1139 and 27.1140.

- (b) If the City *Clerk* issues a certification of the referendary *petition*'s insufficiency, the referended legislative act shall become effective immediately; or, if the legislative act is an ordinance, it shall become effective a minimum of thirty calendar days after its adoption by the City *Council*.
- (c) If the City *Clerk* issues a certification of the referendary *petition*'s sufficiency, the referended legislative act shall become effective in accordance with Sections 27.1139 and 27.1140.

(Renumbered from Sec. 27.2618, retitled to "Suspension of Referended Legislative Act" and amended 7-26-1999 by O-18664 N.S.)

§27.1131 Action by City Council on Referendary Petition

If the referendary *petition* is presented to the City *Council* by the City *Clerk* at a City *Council* meeting held in accordance with Section 27.1125, then the City *Council* shall within ten business days reconsider the legislative act in question.

(Renumbered from Sec. 27.2619, retitled to "Action by City Council on Referendary Petition" and amended 7-26-1999 by O-18664 N.S.)

§27.1132 Referended Legislative Act to be Submitted to Voters

If the City *Council* refuses to grant the referendary *petition* to repeal the legislative act in question or fails to reconsider the act within the time prescribed by Section 27.1131, the City *Council* shall within ten business days of the date of refusal or of the deadline for action prescribed by Section 27.1131, whichever is earlier:

- (a) adopt a resolution of intention to submit the matter to the *voters* at a *special election*; and
- (b) direct the City Attorney to prepare an ordinance calling a *special election* to place the matter on the ballot.

(Renumbered from Sec. 27.2620, retitled to "Referended Legislative Act to be Submitted to Voters" and amended 7-26-1999 by O-18664 N.S.)

§27.1133 Time for Special Election for Referended Legislative Act

- (a) Except as provided in Section 27.1133(b), if a *special election* is called, it shall be held within eleven months of the adoption of the resolution of intention to submit the matter to the *voters*.
- (b) If any other *City-wide Primary* or *City-wide General* or *special election* for any purpose at which all the *voters* are entitled to vote is scheduled to be held within eleven months from the date of the adoption of the resolution set forth in 27.1132(a), then the *City Council* may at its discretion submit the legislative act to the *voters* at that *election*.

(Renumbered from Sec. 27.2621, retitled to "Time for Special Election for Referended Legislative Act" and amended 7-26-1999 by O-18664 N.S.)

§27.1136 Examination Period for Referendary Ballot Materials

There shall be a public examination period for all *ballot materials* filed with the *City Clerk* for any *measure* to be submitted to the *voters* pursuant to this division. The examination period shall conform to the provisions of Section 27.0402 of this article. *("Examination Period for Referendary Ballot Materials" added 7-26-1999 by O-18664 N.S.)*

§27.1137 Special Election for Referended Legislative Act to Conform to Other Elections

To the extent practicable, when a referended legislative act is submitted to the *voters*, the *City Clerk* shall conduct the *special election* in a manner conforming with other *elections*.

(Renumbered from Sec. 27.2624, retitled to "Special Election for Referended Legislative Act to Conform to Other Elections" and amended 7-26-1999 by O-18664 N.S.)

§27.1138 Special Election Not Limited to One Referended Legislative Act

Any number of legislative acts may be submitted to the *voters* at a single *special election* by the referendary process.

(Renumbered from Sec. 27.2623, retitled to "Special Election Not Limited to One Referended Legislative Act" and amended 7-26-1999 by O-18664 N.S.)

§27.1139 Voter Adoption of a Referended Legislative Act

Except as provided in the California Constitution or the San Diego City Charter, a referended legislative act shall be adopted by majority vote.
(“Voter Adoption of a Referended Legislative Act” added 7-26-1999 by O-18664 N.S.)

§27.1140 Effective Date of Referended Legislative Act Following Special Election

A referended legislative act which has received the requisite number of affirmative votes for adoption shall be deemed adopted on the date the City *Council* adopts its resolution declaring the results of the *election*. The legislative act shall be effective ten calendar days after the date the resolution is adopted unless an earlier date is specified in the resolution.
(Renumbered from Sec. 27.2622, retitled to “Effective Date of Referended Legislative Act Following Special Election” and amended 7-26-1999 by O-18664 N.S.)